

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RONALD HYPPOLITE,

Plaintiff,

v.

JEAN NAPOLITANO,

Respondent.

No. 3:11-CV-627


(JUDGE CAPUTO)

(MAGISTRATE JUDGE SMYSER)

ORDER

NOW this 20th day of October, 2011, upon review of Magistrate Judge Smyser's Report and Recommendation (Doc. 9) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 9) is **ADOPTED**.
- (2) The case is **DISMISSED**.
- (3) The Clerk of Court is directed to mark the case as **CLOSED**.


A. Richard Caputo
United States District Judge